

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>May 21, 2014</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2008-196-E/2014-2-E</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u>2014-445</u>

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

DOCKET NO. 2008-196-E - Combined Application of South Carolina Electric & Gas Company for a Certificate of Environmental Compatibility and Public Convenience and Necessity and for a Base Load Review Order for the Construction and Operation of a Nuclear Facility in Jenkinsville, South Carolina;

-and-

DOCKET NO. 2014-2-E - Annual Review of Base Rates for Fuel Costs for South Carolina Electric & Gas Company – Discuss with the Commission Mr. Joseph Wojcicki's Motion for Reconsideration of All Directives and Orders Denying His Petitions.

COMMISSION ACTION:

See Attached Motion

PRESIDING:
Hamilton

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MCGEE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u> Annual Leave
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u> Commission Business

(SEAL)

RECORDED BY: J. Schmieding



Before us is a Motion for Reconsideration from Mr. Joseph Wojcicki (hereinafter referred to as "Mr. Joe"), requesting reconsideration of all directives and Orders denying his petitions. Commission Regulation 103-825 (A) (4) requires that such a motion or petition contain "the factual and legal issues forming the basis for the petition" (or, in this case, the motion). Other than various non-specific statements, the only specific factual and legal issues listed in the motion allege that the Base Load Review Application in Docket No. 2008-196-E did not have studies or an analysis of the flows in the Broad River with regard to the future operation of the new nuclear units, and did not meet the BLRA capacity factor limitation. Regarding the studies, this issue was discussed and ruled on twice in prior Commission Orders. In Order No. 2009-104 (A), at pages 52-54, it was stated that witnesses for both the Company and ORS testified that the water supplies available at the site of V.C. Summer Units 2 and 3 are more than adequate to support reliable operations of Units 2 and 3. The Commission agreed with that testimony, and so found. Mr. Joe actually filed a Petition for Rehearing or Reconsideration of that finding, alleging that the new units should be constructed near the Atlantic Ocean because of an inadequate water supply at the present site. This Commission denied that Petition on page 28 of Order No. 2009-218.

Although not necessary for this ruling, I'd like to briefly address the definitional concerns expressed. According to the Base Load Review Act, Section 58-33-220 (2), a qualifying nuclear unit is one designed to be operated at a capacity factor exceeding seventy percent annually. That does not mean that there must be "at least 292 days of uninterrupted cooling water availability" in each year of operation. For example, a seventy percent annual capacity factor may be achieved by operating a unit at 70% of nameplate capacity for a full year, or at 100% of nameplate capacity for 70% of the year, or at any combination of time and output in between. Moreover, specific testimony was given regarding studies that have shown the water requirement for operation of the two new V. C. Summer station nuclear units will barely be discernable in the flow of the Broad River under normal circumstances. Under extreme low-flow conditions, the plant could exclusively use Monticello Reservoir water and not withdraw from Parr Reservoir. In fact, all three units could operate at full power for 2-1/2 months with water from the Monticello Reservoir. I would also note that the new V. C. Summer Station Units 2 and 3 have received all necessary NRC, EPA, Federal Energy Regulatory Commission (FERC) and State permits for operation.

Finally, regarding the various dockets referenced by Mr. Joe, since Mr. Joe's specific issue has already been ruled on by us twice, the Motion must be denied on that basis alone in Docket No. 2008-196-E. Mr. Joe's Motion may not be considered in Docket No. 2014-2-E, since he was not a party in that Docket. Only a party may make such a motion, according to S.C. Code Ann. Section 58-27-2150. The remainder of the motion does not state a factual or legal basis for the motion, so the remainder must also be denied. Further, as stated in Order No. 2014-404, the Base Load Review Act does not provide for a de novo review of an application. Accordingly, I move that all aspects of the motion be denied.